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WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

GEORGE A CLANTON : DOCKET NO. 2:06-cv-1879
CONSTRUCTION CO.

VS. : JUDGE MINALDI

BROTHERS INNOVATIVE PAINTING, : MAGISTRATE JUDGE KAY
INC.


REPORT AND RECOMMENDATION

According to LR 41.3W, "[a] civil action may be dismissed . . . for lack of prosecution . . . [w]here a cause has been pending six months without proceedings being taken within such period." Plaintiff George A Clanton Construction Co. filed the instant suit on October 20, 2006. On January 14, 2008, plaintiff filed a Motion to Continue Trial, seeking continuance of a bench trial scheduled for March 3, 2008. The motion was granted and the trial was continued without date. Since that time, plaintiff has taken no action to procure a new trial date and has made no other filings. It is THEREFORE RECOMMENDED that plaintiff's claims against defendant be DISMISSED WITHOUT PREJUDICE.

Pursuant to LR41.3W, plaintiff is allowed ten calendar days from the mailing of this notice to file evidence of good cause for failure to act. Additionally, under the provisions of 28 U.S.C. § 636(b)(1)(C) and Fed. R. Civ. P. 72(b), parties aggrieved by this recommendation have ten (10) business days from service of this report and recommendation to file specific, written objections with the Clerk of Court. A party may respond to another party's objections within ten (10) days after being served with a copy of any objections or response to the District judge at the time of filing.

Failure to file written objections to the proposed factual findings and/or the proposed legal conclusions reflected in this Report and Recommendation within ten (10) days following the date of its service, or within the time frame authorized by Fed. R. Civ. P. 6(b), shall bar an aggrieved party from attacking either the factual findings or the legal conclusions accepted by the District Court, except upon grounds of plain error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415 (5th Cir. 1996).

THUS DONE AND SIGNED in Chambers at Lake Charles, Louisiana, this 20th day of February, 2009 .



KATHLEEN KAY
UNITED STATES MAGISTRATE JUDGE